**REDACTED**

AFFIDAVIT IN SUPPORT OF APPLICATION
FOR ISSUANCE OF A CRIMINAL COMPLAINT

I, Paul G. Wolpert, being first duly sworn state:

1. I am a Special Agent of the Department of Homeland Security, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), currently assigned to the Office of the Assistant Special Agent in Charge (ASAC), Norfolk, Virginia. I have been so employed since April 2002. As part of my daily duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography[1] including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252 and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256(8)) in all forms of media including computer media.

2. I have assisted in the investigation of the offenses described in this affidavit. As a result of my participation in this investigation, a review of reports made by other law enforcement officers, and through discussions with others involved in the investigation, I am familiar with the circumstances of this on-going investigation. I have not included each and every fact known to me in this affidavit, but only the facts I believe are necessary to establish probable cause to believe JAMES LEONARD LANDRY has engaged in the crimes of receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2252(a)(2) and (4)(B).

## LEGAL AUTHORITY

3. 18 U.S.C. § 2252(a)(2) prohibits, in pertinent part, a person who knowingly receives any visual depiction using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, if (A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and (B) such visual depiction is of such conduct.

4. 18 U.S.C. § 2252(a)(4)(B) prohibits a person from knowingly possessing, or knowingly accessing with intent to view, one or more books, magazines, periodicals, films, or other materials which contain visual depictions of minors engaged in sexually explicit conduct that

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[1] "Child Pornography means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where – (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; . . . [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct." For conduct occurring after April 30, 2003, the definition also includes "(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct." 18 U.S.C. § 2256(8).

have been mailed, shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed, shipped or transported, by any means including by computer.

## PROBABLE CAUSE TO ARREST JAMES LANDRY

5. Between July 27, 2016, and August 8, 2016, the Virginia Beach Police Department (VBPD) Internet Crimes Against Children (ICAC) task force conducted an online investigation of Peer-to-Peer filing sharing networks operating in the Virginia Beach area. During this time period, a VBPD Detective identified IP address, 71.120.148.148, as providing files previously identified as depicting images of minors engaging in sexually explicit conduct for distribution. The VBPD Detective connected to the IP address' account and was able to successfully download ten files that contained child pornography, which included prepubescent minors engaged in sexually explicit conduct.

6. After downloading and reviewing the child pornography files, the investigating Detective issued a subpoena to Cox Communications to identify the account holder for the IP address being used from July 27, 2016 to August 8, 2016. Cox responded to the subpoena and identified the account as being subscribed to by JAMES LANDRY at his residence in Virginia Beach, Virginia.

7. On October 5, 2016, the Virginia Beach ICAC executed a state search warrant at JAMES LEONARD LANDRY's residence in Virginia Beach. Present at the house during the search were JAMES LEONARD LANDRY, his wife, and their two children, ages 13 and 18 years-old. Law enforcement seized several computers and related recordable media devices. An ASUS laptop was identified as belonging to JAMES LEONARD LANDRY, which was password protected, and according to his wife and children, only used by JAMES LEONARD LANDRY. An on scene review of the laptop revealed over 100 video files that contained images of minors engaging in sexually explicit conduct.

8. The electronic items were submitted for forensic examinations. As a result, images of minors engaging in sexually explicit conduct was discovered on the ASUS laptop computer. All other seized items were negative for activity related to images of minors engaging in sexually explicit conduct. In total, there were 143 videos of child pornography as well as the Peer-to-Peer software. Examples of the discovered child pornography videos are:

> **(Pthc) 5Yo Viola Sits On Daddy's Lap And Actually Masturbates To Orgasm With A Vibrator.avi** – the video was saved to the computer on July 25, 2016, and is described as depicting a white prepubescent girl, approximately 5 years old, sitting on the lap of an adult white male. They are in a chair sitting in front of a desk and there is pornography playing on a computer. The white adult takes of her pants and hands her what appears to be a sexual device. During the recording the adult males inserts the device into her vagina and also has the girl use the device on her self. The video is 7:24 long.

**[~PTHC ~] 11yo Beautiful Preteen Girl + 9yo Brother & Daddy [Double BJ + Anal] [mbg.kids,12yo,novinha].mp4** - the video was saved to the computer on July 24, 2016, and is described as depicting a white prepubescent girl, approximately 10-12 years old, a white prepubescent boy, approximately 7-9 years old, and an adult white male. They are all naked. Through out the video the girl performs oral sex on the boy and adult male, the boy performs oral sex on the girl and the boy and girl engage in anal and vaginal sex. The video is 13:33 long.

**!!! New !!! 2010 [Jane Doe][2] 5Yo Anal Dildo (5Yo Adlf Sugar Girl) Pthc The Best.avi -** the video was saved to the computer on July 24, 2016, and is described as depicting a prepubescent naked white female, approximately 4-6 years old, and naked adult white male on a bed. The girl is kneeling exposing her anus and vagina. The naked adult white male inserts a dildo into her anus and later inserts his penis into her anus. The video is 9:37.

9. JAMES LEONARD LANDRY is a registered sex offender based on a February 2005 conviction for taking indecent liberties with children. According to the Virginia State Sex offender registry, JAMES LEONARD LANDRY has registered his residence as the one searched in Virginia Beach, Virginia.

10. Based on the information and evidence set forth above, I respectfully submit that there is probable cause to believe that JAMES LEONARD LANDRY has committed the following offenses: COUNT ONE: On or about July 24, 2016, in Virginia Beach, in the Eastern District of Virginia, JAMES LEONARD did knowingly receive a visual depiction using a means and facility of interstate and foreign commerce and that had been shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been so shipped and transported, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct, that is: JAMES LEONARD LANDRY received a visual depiction bearing the file name "[~PTHC ~] 11yo Beautiful Preteen Girl + 9yo Brother & Daddy [Double BJ + Anal] [mbg.kids,12yo,novinha].mp4," in violation of 18 U.S.C. § 2252(a)(2); COUNT TWO: On or about July 24, 2016, in Virginia Beach, in the Eastern District of Virginia, JAMES LEONARD did knowingly receive a visual depiction using a means and facility of interstate and foreign commerce and that had been shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been so shipped and transported, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct, that is: JAMES LEONARD LANDRY received a visual depiction bearing the file name "[~PTHC ~] 11yo Beautiful Preteen Girl + 9yo Brother & Daddy [Double BJ + Anal] [mbg.kids,12yo,novinha].mp4," in violation of 18 U.S.C. § 2252(a)(2); and COUNT THREE: On or about October 5, 2016, in Virginia Beach, in the Eastern District of Virginia, JAMES LEONARD LANDRY did knowingly possess one or more matters, that is, an Asus laptop computer and the hard drive contained therein, both of which were manufactured outside of the

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[2] For purposes of privacy in case a real child's name was used in the file name, a name has been replaced by the generic term "Jane Doe."

Commonwealth of Virginia, which contained visual depictions that had been mailed, and had been shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which was produced using materials which had been mailed, and so shipped and transported, by any means including by computer, and the production of such visual depictions involved the use of minors, including prepubescent minors and minors who had not attained 12 years of age, engaging in sexually explicit conduct, and such visual depictions are of such conduct, in violation of 18 U.S.C. § 2252(a)(4)(B).

11. Accordingly, I request that a warrant be issued authorizing the arrest of JAMES LEONARD LANDRY.

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Paul G. Wolpert
Special Agent
Department of Homeland Security
Homeland Security Investigations
Norfolk, VA

Sworn to before me this ______day of November, 2016.

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United States Magistrate Judge
Eastern District of Virginia